

FCC 03-2468

DOCKET FILE COPY ORIGINAL

Before the
Federal Communications Commission
Washington, D.C. 20554

JUL 21

In the Matter of

)

)

Amendment of Section 73.202(b),

)

Table of Allotments,

)

MB Docket No. 03-116

FM Broadcast Stations.

)

(Archer City, Texas)

)

REPORT AND ORDER

(Proceeding Terminated)

Adopted: July 24, 2003**Released: July 25, 2003**

By the Chief, Audio Division:

1. The Audio Division has before it the *Notice of Proposed Rule Making* in this proceeding proposing the substitution of Channel 248C2 for Channel 248C1 at Archer City, Texas.¹ This would conform the FM Table of Allotments to reflect the current authorization of Station KRZB, Channel 248C2, Archer City, Texas (BMPH-19990217IB). Texas Grace Communications ("Texas Grace"), permittee of Station KRZB, filed Comments supporting the proposed channel substitution. For the reasons discussed below, we are amending the FM Table of Allotments to specify Channel 248C2 at Archer City, Texas.

Background

2. In the *Report and Order* in MM Docket No. 99-23, we substituted Channel 248C1 for Channel 248C2 at Archer City, Texas, and modified the Texas Grace construction permit for Station KRZB, Archer City, to specify operation on Channel 248C1.² That action became effective on January 18, 2000. That action was also specifically conditioned upon Texas Grace filing an application to implement this upgrade within 90 days of the effective date. Texas Grace has not done so. For this reason, we, on our own motion, issued the *Notice* in this proceeding proposing the substitution of Channel 248C2 for Channel 248C1 at Archer City.

3. In response to the *Notice*, Texas Grace filed Comments supporting the proposed channel substitution and stating that it has no intention of implementing a Channel 248C1 operation at Archer City. As such, continuing to protect a Channel 248C1 allotment at Archer City results in an unwarranted preclusionary impact which unnecessarily frustrates the introduction of additional service to many communities in Texas and Oklahoma. Therefore, we are substituting Channel 248C2 for Channel 248C1 at Archer City.³

¹ 18 FCC Rcd 9498 (Media Bur. 2003).

² *Tipton, Mangum, Eldorado and Granite, Oklahoma, and Archer City, Texas*, 14 FCC Rcd 21161 (M.M. Bur. 1999).

³ The reference coordinates for the Channel 248C2 allotment at Archer City, Texas, are 33-51-40 and 98-38-52.

4 Accordingly, pursuant to the authority contained in Sections 4(i), 5(c) (1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b), and 0.283 of the Commission's Rules, IT IS ORDERED, That effective September 8, 2003, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, as follows

<u>City</u>	<u>Channel No.</u>
Archer City, Texas	248C2

5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED

6. For further information concerning this proceeding, contact Robert Hayne, Media Bureau
(202) 418-2177

FEDERAL COMMUNICATION COMMISSION

Peter H. Doyle
Chief, Audio Division
Media Bureau